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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,016	08/21/2003	Petri Lahdesmaki	04770.00135	6227
22908	7590	01/14/2009		
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			EXAMINER	
			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			01/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,016	LAHDESMAKI, PETRI	
Examiner	Art Unit		
Steven P. Sax	2174		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 October 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18,20 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18,20 and 22-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>see attached</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This application has been examined. The amendment filed 10/13/08 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18, 20, 22-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsten et al (2003/0001907) and Hoarty et al (5485197).

4. Regarding claim 1, Bergsten et al show: an apparatus for generating a user interface for display on a display device, the apparatus comprising a processor programmed to generate a user interface (Figures 1, 2) comprising the following elements: a main folder configured to contain a plurality of elements and at least a first sequential subfolder configured to contain a plurality of elements linked to main folder (Figures 4, 5, para 7, 9, 21); a fixed focus pointer configured to select one of the plurality of elements of the main folder in response to interaction of a user and at least one moveable focus pointer configured to scroll through the plurality of elements of the at least first sequential subfolder to select one of the plurality of elements in response to

interaction of a user (para 11, 21, 25). Bergsten et al do not specifically state that the elements are presented in a carousel such that the carousel is displayable as a plurality of carousel elements that rotate around a carousel axis, but the elements of the first sequential subfolder are presented in a form such that they repeat and circulate (para 25). Furthermore, Hoarty et al do in fact present elements in a rotating carousel form, to easily facilitate repeating and circulating elements (abstract, Figures 35, 36 37, column 19 lines 1-40). It would have been obvious to a person with ordinary skill in the art to have this in Bergsten et al, because it would allow easy facilitation of repeating and circulating of elements. The carousel in Hoarty et al does not necessarily extend beyond the perimeter horizontally or vertically per se, but does extend beyond the foreground of the perimeter of the display region, such that a subset of the plurality of elements of the first sequential folder located on one side of the perimeter foreground of the display region are displayed (Figure 35 for example) in order to give the impression of rotating in three dimensions. Furthermore, Examiner takes Official Notice that it is very possible to have the extension be horizontally or vertically beyond the perimeter of the display region, as long as the subset of the plurality of elements of the first sequential folder located on one side of the perimeter of the display region are displayed. The reason this is especially so, is because given that the subset of the plurality of elements of the first sequential folder located on one side of the perimeter of the display region are displayed, this still gives the virtual impression of rotating in three dimensions, *while still only physically displaying those elements that are currently in the perimeter of the display region.* Thus Hoarty et al is accomplishing the same effect with

the same functionality as the claimed feature. It would have been obvious to a person with ordinary skill in the art to have the carousel in Hoarty et al extend specifically beyond the perimeter of the display region as opposed to beyond the foreground of the perimeter of the display region, with a subset of the plurality of elements of the first sequential folder located on one side of the perimeter of the display region being displayed, because it would allow a convenient way to give the impression of rotating in three dimensions using the functional capabilities of Hoarty et al.

5. Regarding claim 2, one element of the carousel creates a buffer for elements that are not presented (see para 11. Also, note the buffer set of for elements in Hoarty et al column 19 lines 1-25. The obviousness to have this in Bergsten et al is the same as that mentioned in paragraph 4 of this Office Action).

6. Regarding claim 3, the element has a fixed position (para 21).

7. Regarding claim 4, the buffer element is placed in the middle of a rear carousel segment (see Fig. 35-37 of Hoarty et al. The obviousness to have this in Bergsten et al is the same as that mentioned in paragraph 4 of this Office Action).

8. Regarding claims 5-6, the element may be visible or not visible (Figures 4, 5, para 21, 25 of Bergsten et al and also Fig. 35-37 of Hoarty et al).

9. Regarding claim 7, the element indicates the number of elements in the buffer (para 11).

10. Regarding claim 8, a diameter of the carousel is adjustable (column 19 lines 1-40 of Hoarty et al. The obviousness to have this in Bergsten et al is the same as that mentioned in paragraph 4 of this Office Action).

11. Regarding claim 9, the diameter of the carousel is adjusted as a function of the number of the plurality of elements of the first sequential subfolder (column 19 lines 1-40 of Hoarty et al. The obviousness to have this in Bergsten et al is the same as that mentioned in paragraph 4 of this Office Action).

12. Regarding claim 10, the carousel is not fully presented on the display (note again Fig. 35-37 of Hoarty et al).

13. Regarding claims 11-13, an uppermost, or lowermost portion, or both of the carousel may not present on a display region (note again Fig. 35-37 of Hoarty et al).

14. Regarding claim 14, the information of content of elements is visible (Figures 3-5).

15. Regarding claim 15, the elements are selectable (para 11, 21).
16. Regarding claim 16, the plurality of elements of the main folder and the at least first subfolder comprise icons (Figures 3-5).
17. Regarding claim 17, the plurality of elements of the main folder and the at least first subfolder may also comprise text (Fig 4-5, para 20, 21).
18. Regarding claim 18, the main folder and at least first sequential subfolder are scrollable (para 11).
19. Claim 20, 22-33 shows the same features as claims 1-13 respectively and are rejected for the same reasons.
20. Claims 34-38 show the same features as claims 1, 2, 7-9 respectively and are rejected for the same reasons.
21. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
